



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 6, 2018
SUBJECT/REPORT NO:	Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the City of Hamilton Zoning By-law No. 6593 and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 952 – 954 Concession Street, (Hamilton) (Ward 6) (PED18028)
WARD(S) AFFECTED:	Ward 6
PREPARED BY:	Alana Fulford (905) 546-2424 Ext. 4771
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

Council Direction:

In accordance with the provisions of subsection 34(11) of the *Planning Act*, that was in effect at the time of the appeal being filed, a Zoning By-law Amendment Application may be appealed to the Ontario Municipal Board (OMB) after 120 days (Zoning By-law Amendment Application), if Council has not made a decision on the application.

A motion to direct staff to advise the Planning Committee on matters relating to appeals regarding lack of decision by Council, pursuant to the *Planning Act* was passed by City Council on May 18, 2010. This Information Report has been prepared in accordance with Council's policy for staff to advise the Planning Committee and City Council of appeals for non-decision to the OMB.

The following information is provided for Planning Committee's information with regards to Zoning By-law Amendment Application ZAR-17-010, which have been appealed to the OMB for lack of decision.

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Information:

The subject lands, municipally known as 952 – 954 Concession Street, Hamilton, are located at the corner of Concession Street and Upper Gage Avenue (see the Location map attached as Appendix “A” to Report PED18028).

The subject property has a lot frontage of 28 metres (along Concession Street), a lot depth of 30.480 metres, and an area of 0.09 ha. The subject property presently consists of an existing one storey commercial building approximately 395 sq m. in size, containing four separate commercial units. The plaza contains 15 parking spaces (10 spaces at a 90 degree angle, and 5 parallel parking spaces), and has primary access from Concession Street. There is a secondary access to the plaza from Upper Gage Avenue via a public alley located immediately to the south of the subject property (refer to Appendix “B” to Report PED18028). The subject property is surrounded by residential development, mainly in the form of single detached dwellings, with a Neighbourhood Park (Mountain Drive Park) immediately to the north.

The application was considered by Planning Committee at its meeting on November 14, 2017, where Committee recommended denial. The application was further considered by Council on November 22, 2017, where the application was denied.

The appeal to the OMB was received by the City Clerk's Office on November 20, 2017, 333 days after the receipt of the initial application (refer to Appendix “C” to Report PED18028). The appeal was submitted after the Planning Committee Meeting but before the Council Meeting.

Application:

Zoning By-law Amendment Application:

The purpose of the Zoning By-law Amendment Application is to rezone the subject lands from the existing “G-3/S-1214” (Public Parking Lots) District, Modified, and the existing “G-4/S-1214a” (Designed Neighbourhood Shopping Area) District, Modified, to “G-4/S-1214b” (Designed Neighbourhood Shopping Area) District, Modified, for the entirety of the subject property, to permit an Animal Hospital (veterinary clinic) on the ground floor of the existing commercial building, and to permit three (3) residential units within a proposed second storey addition. Ten (10) parking spaces are proposed. Of the ten (10) spaces proposed, four (4) spaces are for the residential use, five (5) spaces are for the commercial use, and one (1) space is for barrier free parking, to be used

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jointly for both the commercial or residential use. A number of site specific modifications are proposed to implement the proposed development.

There were two modifications to the initial proposal. Firstly, to limit the veterinary clinic to the ground floor of the existing building instead of also including the basement as part of the veterinary clinic, as originally proposed. Secondly, the four (4) residential units initially proposed for the new second storey addition were reduced to three (3).

The application was submitted on December 22, 2016 and deemed complete on January 9, 2017. Staff's analysis of the application can be found in Report PED17193.

Public Consultation:

In accordance with Council's Public Participation Policy, the proposal was circulated as part of the Notice of Complete Application to 83 property owners within 120 metres of the subject lands on January 20, 2017. One letter has been received from the public through this circulation. A Neighbourhood Information Meeting, organized by the applicant, was held on May 3, 2017 in consultation with the Ward Councillor. Approximately 8 residents attended the meeting. The public meeting was held on November 14, 2017, with notice of the public meeting given on October 27, 2017 to 83 property owners within 120 metres of the subject lands. Three residents attended the public meeting and made delegations in opposition to the proposed changes to the Zoning By-law.

On November 11, 2017, a petition containing 150 names was submitted in opposition to the application.

Appendices and Schedules Attached

- Appendix "A": Location Map
- Appendix "B": Site Plan
- Appendix "C": Letter of Appeal

AF:jp